

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0493-MSW-E TCEQ ID: RN102289873 CASE NO.: 319
RESPONDENT NAME: THE CITY OF ROMA

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: One mile north of the intersection of Roma Landfill Road and Farm-to-Market Road 650, near Roma, Starr County

TYPE OF OPERATION: Municipal solid waste landfill

SMALL BUSINESS: N/A

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired August 24, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Tommy Tucker Henson II, Litigation Division, MC 175, (512) 239-0946
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Mr. John Shelton, Waste Enforcement Section, MC 128, (512) 239-2563

TCEQ Regional Contact: Mr. David Ramirez, Harlingen Regional Office, MC R-15, (956) 430-6048

Respondent: The City of Roma

Respondent's Attorney: Mr. Charles E. Zech, Denton, Navarro, Rocha & Bernal, 2517 North Main Avenue, San Antonio, Texas 78212

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 28, 2008</p> <p>Date of NOE Relating to this Case: February 17, 2008</p> <p>Background Facts: The EDRP was filed November 21, 2008. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on June 9, 2009.</p> <p>Current Compliance Status: No outstanding technical requirements.</p> <p>MSW:</p> <ol style="list-style-type: none"> Failed to follow permit and incorporated plans or other related documents associated with the permit and failed to comply with a previous TCEQ order [30 TEX. ADMIN. CODE § 330.121(a) and TCEQ Docket No. 2003-0291-MLM-E, Ordering Provision No. 3.b.iv]. Failed to maintain all site records at the Facility, including the site operating plan [30 TEX. ADMIN. CODE §§ 330.121(a) and 330.125(a), and Site Operating Plan, Part IV, Sec. 2]. Failed to provide training for appropriate facility personnel and failed to comply with a previous TCEQ order [30 TEX. ADMIN. CODE § 330.121(a), Site Operating Plan, Part IV, Sec. 5.c., and TCEQ Docket No. 2003-0291-MLM-E, Ordering Provision No. 3.b.ii]. Failed to apply at least six inches of daily cover [30 TEX. ADMIN. CODE § 330.165(a)]. Failed to pay Consolidated Water Quality late fees for TCEQ financial account no. 23005018 [30 TEX. ADMIN. CODE § 21.4 and TEX. WATER CODE § 5.702]. 	<p>Total Assessed: \$27,950</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$825/\$27,125</p> <p>The Respondent paid \$825 of the administrative penalty. The remaining amount of \$27,125 shall be payable in 35 monthly payments of \$775 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Indifference to legal duty based on violation of previous TCEQ order.</p>	<p>Corrective Actions Taken:</p> <ol style="list-style-type: none"> A permit modification was secured for the addition of the scale house and cardboard processing building; All records, including the site operating plan are being maintained at the Facility; The required training for appropriate facility personnel, including Municipal Solid Waste Management Screening Training, was provided on November 12, 2008; At least six inches of daily cover is being applied to the waste daily; and All Consolidated Water Quality late fees for TCEQ financial account no. 23005018 are paid.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

DATES	Assigned	3-Mar-2008	Screening	20-Mar-2008	EPA Due	
	PCW	15-May-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Roma
Reg. Ent. Ref. No.	RN102289873
Facility/Site Region	15-Harlingen
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	319	No. of Violations	5
Docket No.	2008-0493-MSW-E	Order Type	Findings
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	John Shelton
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$21,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 30% Enhancement Subtotals 2, 3, & 7 \$6,450

Notes: The Respondent received one Findings Order and one NOV for similar violations.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts \$5,759 0% Enhancement* Subtotal 6 \$0
 Approx. Cost of Compliance \$8,491 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$27,950

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount \$27,950

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$27,950

DEFERRAL 0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$27,950

Screening Date 20-Mar-2008

Docket No. 2008-0493-MSW-E

PCW

Respondent City of Roma

Policy Revision 2 (September 2002)

Case ID No. 319

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN102289873

Media [Statute] Municipal Solid Waste

Enf. Coordinator John Shelton

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent received one Findings Order and one NOV for similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

<p>Screening Date 20-Mar-2008 Respondent City of Roma Case ID No. 319 Reg. Ent. Reference No. RN102289873 Media [Statute] Municipal Solid Waste Enf. Coordinator John Shelton Violation Number <input type="text" value="1"/></p>	<p>Docket No. 2008-0493-MSW-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision February 29, 2008</i></p>														
<p>Rule Cite(s) 30 Tex. Admin. Code § 330.121(a), TCEQ Docket No. 2003-0291-MLM-E, Ordering Provision No. 3.b.iv.</p>															
<p>Violation Description Failed to follow permit and incorporated plans or other related documents associated with the permit, and failure to comply with an ordering provision for Docket No. 2003-0291-MLM-E, as documented during an investigation conducted on January 28, 2008. Specifically, the Respondent constructed a scale house and cardboard processing building that were being used in the operation of the facility. The scale house and cardboard processing building were not included in the site operating plan and the Respondent had not submitted a permit modification for the addition.</p>															
<p>Base Penalty <input type="text" value="\$10,000"/></p>															
<p>>> Environmental, Property and Human Health Matrix</p>															
<p>OR</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>	Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
Release	Major	Moderate	Minor												
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Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>												
<p>>> Programmatic Matrix</p>															
<p>Matrix Notes</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="10%"/></td> </tr> </table> <p style="text-align: center; border: 1px solid black; padding: 5px;">100% of the rule requirement was not met.</p>	Falsification	Major	Moderate	Minor		<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>				
Falsification	Major	Moderate	Minor												
<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>											
<p>Adjustment <input type="text" value="\$9,000"/></p>															
<p><input type="text" value="\$1,000"/></p>															
<p>Violation Events</p>															
<p>Number of Violation Events <input type="text" value="10"/> <input type="text" value="892"/> Number of violation days</p>															
<p><i>mark only one with an x</i></p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>		
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single event	<input type="text"/>														
<p>Violation Base Penalty <input type="text" value="\$10,000"/></p>															
<p>Ten quarterly events are recommended from October 10, 2005 (effective date of the Order) to the March 20, 2008 screening date.</p>															
<p>Economic Benefit (EB) for this violation Statutory Limit Test</p>															
<p>Estimated EB Amount <input type="text" value="\$156"/></p>	<p>Violation Final Penalty Total <input type="text" value="\$13,000"/></p>														
<p>This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$13,000"/></p>															

Economic Benefit Worksheet

Respondent City of Roma
 Case ID No. 319
 Reg. Ent. Reference No. RN102289873
 Media Municipal Solid Waste
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$1,000	10-Oct-2005	21-Nov-2008	3.1	\$156	n/a	\$156
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to modify permit to include additions to the facility. Date required is the effective date of the Order and Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$156

Screening Date 20-Mar-2008

Docket No. 2008-0493-MSW-E

PCW

Respondent City of Roma

Policy Revision 2 (September 2002)

Case ID No. 319

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN102289873

Media [Statute] Municipal Solid Waste

Enf. Coordinator John Shelton

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 330.121(a) and 330.125(a) and Site Operating Plan, Part IV, Sec. 2

Violation Description

Failed to maintain all site records at the facility, including the site operating plan, as documented during an investigation conducted on January 28, 2008. Specifically, the final closure plan, post-closure maintenance plan, landfill gas management plan, financial assurance, and operator certification licenses were not being maintained at the facility as required by the site operating plan. Also, there was not a copy of the facility's site operating plan at the facility or city hall.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

One quarterly event is recommended from the January 28, 2008 investigation date to the February 11, 2008 date of compliance.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roma
Case ID No. 319
Reg. Ent. Reference No. RN102289873
Media Municipal Solid Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	28-Jan-2008	11-Feb-2008	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to ensure that all records are being maintained at the facility. Date required is the investigation date and Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$0

Screening Date 20-Mar-2008

Docket No. 2008-0493-MSW-E

PCW

Respondent City of Roma

Policy Revision 2 (September 2002)

Case ID No. 319

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN102289873

Media [Statute] Municipal Solid Waste

Enf. Coordinator John Shelton

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 330.121(a), Site Operating Plan, Part IV, Sec. 5.c., and TCEQ Docket No. 2003-0291-MLM-E, Ordering Provision No. 3.b.ii.

Violation Description Failed to provide training for appropriate facility personnel and failure to comply with ordering provision for Docket No. 2003-0291-MLM-E, as documented during an investigation conducted on January 28, 2008. Specifically, the operators working at the facility did not have training for the inspection of loads to recognize hazardous waste or polychlorinated biphenyl (PCB) waste.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

Ten quarterly events are recommended from October 10, 2005 (effective date of the Order) to the March 20, 2008 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roma
 Case ID No. 319
 Reg. Ent. Reference No. RN102289873
 Media Municipal Solid Waste
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$2,000	10-Oct-2005	21-Nov-2008	3.1	\$312	n/a	\$312
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to ensure that personnel is properly trained. Date required is the effective date of the Order and Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,000	TOTAL	\$312
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<p>Screening Date 20-Mar-2008 Respondent City of Roma Case ID No. 319 Reg. Ent. Reference No. RN102289873 Media [Statute] Municipal Solid Waste Enf. Coordinator John Shelton Violation Number <input type="text" value="4"/> Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 330.165(a)"/> Violation Description <input type="text" value="Failed to apply at least six inches of daily cover, as documented during an investigation conducted on January 28, 2008. Specifically waste was exposed on the north end of the working face."/></p>	<p style="text-align: right;">Docket No. 2008-0493-MSW-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision February 29, 2008</i></p>																				
Base Penalty <input type="text" value="\$10,000"/>																					
>> Environmental, Property and Human Health Matrix																					
<p>OR</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td>Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td>Percent <input type="text" value="5%"/></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		Potential	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="5%"/>	
	Harm																				
Release	Major	Moderate	Minor																		
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<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td>Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td>Percent <input type="text" value="0%"/></td> </tr> </table> <p>Matrix Notes <input type="text" value="Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation."/></p>		Major	Moderate	Minor		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>											
	Major	Moderate	Minor																		
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<input type="text" value="\$500"/>																					
Violation Events																					
<p>Number of Violation Events <input type="text" value="1"/> <input type="text" value="14"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="6" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td>daily</td> <td><input type="text"/></td> </tr> <tr> <td>monthly</td> <td><input type="text"/></td> </tr> <tr> <td>quarterly</td> <td style="text-align: center;">x</td> </tr> <tr> <td>semiannual</td> <td><input type="text"/></td> </tr> <tr> <td>annual</td> <td><input type="text"/></td> </tr> <tr> <td>single event</td> <td><input type="text"/></td> </tr> </table> <p>Violation Base Penalty <input type="text" value="\$500"/></p>	<i>mark only one with an x</i>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>								
<i>mark only one with an x</i>		daily	<input type="text"/>																		
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		semiannual	<input type="text"/>																		
		annual	<input type="text"/>																		
	single event	<input type="text"/>																			
<input type="text" value="One quarterly event is recommended from the January 28, 2008 investigation date to the February 11, 2008 date of compliance."/>																					
Economic Benefit (EB) for this violation																					
Estimated EB Amount <input type="text" value="\$5,291"/>	Statutory Limit Test																				
Violation Final Penalty Total <input type="text" value="\$650"/>																					
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$650"/>																					

Economic Benefit Worksheet

Respondent City of Roma
 Case ID No. 319
 Reg. Ent. Reference No. RN102289873
 Media Municipal Solid Waste
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$5,291	28-Jan-2008	11-Feb-2008	0.0	\$0	\$5,291	\$5,291

Notes for AVOIDED costs

Estimated cost to ensure that at least six inches of daily cover is applied to the waste (\$481.00 per day). Date required is the investigation date and Final Date is the date of compliance.

Approx. Cost of Compliance \$5,291

TOTAL \$5,291

Screening Date 20-Mar-2008

Docket No. 2008-0493-MSW-E

PCW

Respondent City of Roma

Policy Revision 2 (September 2002)

Case ID No. 319

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN102289873

Media [Statute] Municipal Solid Waste

Enf. Coordinator John Shelton

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roma
 Case ID No. 319
 Reg. Ent. Reference No. RN102289873
 Media Municipal Solid Waste
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs N/A

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs N/A

Approx. Cost of Compliance \$0

TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600626204 City of Roma	Classification: AVERAGE	Rating: 6.36
Regulated Entity:	RN102289873 CITY OF ROMA LANDFILL	Classification: AVERAGE	Site Rating: 37.60
ID Number(s):	MUNICIPAL SOLID WASTE DISPOSAL PERMIT		954
Location:	ON 3 MI NW OF ROMA AND 1 MI N OF HWY 650	Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 15 - HARLINGEN		
Date Compliance History Prepared:	March 20, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 20, 2003 to March 20, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Dana Shuler	Phone:	(512) 239-2505

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 10/10/2005

ADMINORDER 2003-0291-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter A 330.4(m)

Description: Failed to submit a permit modification for any change to a condition or term of an issued permit.

Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter E 330.55(b)(10)

30 TAC Chapter 330, SubChapter F 330.111

Rqmt Prov: 30 TAC 330.111 OP

Description: Failed to maintain landfill markers.

Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.111

30 TAC Chapter 330, SubChapter F 330.114(5)(C)

30 TAC Chapter 330, SubChapter F 330.114(6)

Rqmt Prov: Site Operating Plan , Part IV, Section 5 OP

Description: Failed to provide training for appropriate Landfill Facility personnel responsible for inspecting loads to recognize regulated hazardous waste or PCB waste and failed to provide for the training of personnel in fire-fighting techniques in the fire protection plan of the Landfill Facility's Site Operating Plan.

Classification: Minor

Citation: 30 TAC Chapter 330, SubChapter F 330.111

30 TAC Chapter 330, SubChapter F 330.119

Rqmt Prov: Site Operating Plan, Part IV, Section 10 OP

Description: Failed to provide a sign with letters at least three inches in height that properly identify the type of landfill site.

Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter F 330.111

30 TAC Chapter 330, SubChapter F 330.133(f)

Rqmt Prov: 30 TAC 330.111 OP

Description: Failed to repair erosion of an intermediate cover and failed to construct and maintain a run-off control system that is capable of preventing waters from the landfill from leaving the property.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CEEDS Inv. Track. No.)

1	03/26/2003	(22993)
2	02/28/2005	(350461)
3	05/20/2005	(376533)
4	02/27/2007	(533007)
5	02/25/2008	(615904)

E. Written notices of violations (NOV). (CEEDS Inv. Track. No.)

Date: 03/22/2005 (376533)

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT TPDES MSGP TXR050000,
Description: Failure to include materials currently handled at the facility that may be exposed to precipitation in the Inventory of Exposed Materials.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT TPDES MSGP TXR050000,
Description: Failure to depict vehicle and equipment maintenance areas on the site map.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT TPDES MSGP TXR050000,
Description: Failure to depict processing areas, storage areas, material loading/unloading areas, and other locations where significant materials are exposed to precipitation or runoff.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT TPDES MSGP TXR050000,
Description: Failure to develop and maintain an inventory of spill cleanup materials and equipment.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT TPDES MSGP TXR050000,
Description: Failure to provide training to all employees who are responsible for implementing or maintaining activities identified in the SWP3.

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT TPDES MSGP TXR050000, Part III,
Description: Failure to conduct a comprehensive site compliance evaluation at least once per year.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE CITY OF ROMA;
RN102289873

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0493-MSW -E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The City of Roma ("Roma") under the authority of TEX. WATER CODE §§ 5.702 and 7.054 and chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the TCEQ. The Executive Director of the TCEQ, represented by the Litigation Division, and Roma, represented by Charles E. Zech of the law firm of Denton, Navarro, Rocha & Bernal, presented this agreement to the Commission.

Roma understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Roma agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Roma.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Roma owns and operates a municipal solid waste landfill located one mile north of the intersection of Roma Landfill Road and Farm-to-Market Road 650, near Roma, Starr County, Texas (the "Facility").
2. The Facility involves the management and/or the disposal of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.

3. During an investigation conducted on January 28, 2008, a TCEQ Harlingen Regional Office investigator documented that Roma:
 - a. Failed to follow permit and incorporated plans or other related documents associated with the permit and failed to comply with an ordering provision for Docket No. 2003-0291-MLM-E. Specifically, Roma constructed a scale house and cardboard processing building that were being used in the operation of the Facility; however, the scale house and the cardboard processing building were not included in the site operating plan, and Roma had not submitted a permit modification for the addition.
 - b. Failed to maintain all site records at the Facility, including the site operating plan. Specifically, the final closure plan, post-closure maintenance plan, landfill gas management plan, financial assurance, and operator certification licenses were not being maintained at the facility as required by the site operating plan, and there was not a copy of the Facility's site operating plan at the Facility or city hall.
 - c. Failed to provide training for appropriate facility personnel and failed to comply with an ordering provision for Docket No. 2003-0291-MLM-E. Specifically, the operators working at the Facility did not have training for the inspection of loads to recognize hazardous waste or polychlorinated biphenyl ("PCB") waste.
 - d. Failed to apply at least six inches of daily cover. Specifically, waste was exposed on the north end of the working face.
 - e. Failed to pay Consolidated Water Quality late fees for TCEQ financial account no. 23005018.
4. Roma received notice of the violations on or about February 22, 2008.
5. The Executive Director recognizes that, in response to this enforcement action, Roma implemented the following corrective measures at the Facility:
 - a. A permit modification was secured for the addition of the scale house and cardboard processing building;
 - b. All records, including the site operating plan, are being maintained at the Facility;
 - c. The required training for appropriate facility personnel, including Municipal Solid Waste Management Screening Training, was provided on November 12, 2008.
 - d. At least six inches of daily cover is being applied to the waste daily; and

- e. All Consolidated Water Quality late fees for TCEQ financial account no. 23005018 are paid.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, Roma is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE §§ 5.702, 7.002 and 7.054 and chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3.a., Roma failed to follow permit and incorporated plans or other related documents associated with the permit, and failed to comply with an ordering provision for Docket No. 2003-0291-MLM-E, in violation of 30 TEX. ADMIN. CODE § 330.121(a) and TCEQ Docket No. 2003-0291-MLM-E, Ordering Provision No. 3.b.iv.
3. As evidenced by Findings of Fact No. 3.b., Roma failed to maintain all site records at the Facility, including the site operating plan, in violation of 30 TEX. ADMIN. CODE §§ 330.121(a) and 330.125(a) and Site Operating Plan, Part IV, Sec. 2.
4. As evidenced by Findings of Fact No. 3.c., Roma failed to provide training for appropriate facility personnel and failed to comply with an ordering provision for Docket No. 2003-0291-MLM-E, in violation of 30 TEX. ADMIN. CODE § 330.121(a), Site Operating Plan, Part IV, Sec. 5.c., and TCEQ Docket No. 2003-0291-MLM-E, Ordering Provision No. 3.b.ii.
5. As evidenced by Findings of Fact No. 3.d., Roma failed to apply at least six inches of daily cover, in violation of 30 TEX. ADMIN. CODE § 330.165(a).
6. As evidenced by Findings of Fact No. 3.e., Roma failed to pay Consolidated Water Quality late fees for TCEQ financial account no. 23005018, in violation of 30 TEX. ADMIN. CODE § 21.4 and TEX. WATER CODE § 5.702.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Roma for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

8. An administrative penalty in the amount of twenty-seven thousand nine hundred fifty dollars (\$27,950.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Roma paid eight hundred twenty-five dollars (\$825.00) of the administrative penalty. The remaining amount of twenty-seven thousand one hundred twenty-five dollars (\$27,125.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of seven hundred seventy-five dollars (\$775.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If Roma fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Roma to meet the payment schedule of this Agreed Order constitutes the failure by Roma to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. It is, therefore, ordered by the TCEQ that Roma pay an administrative penalty as set forth in Conclusion of Law No. 8, above. The payment of this administrative penalty and Roma's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: The City of Roma; Docket No. 2008-0493-MSW-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Roma. Roma is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility referenced in this Agreed Order.
3. If Roma fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or

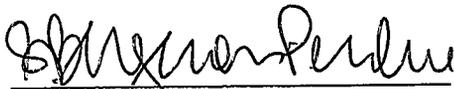
other catastrophe, Roma's failure to comply is not a violation of this Agreed Order. Roma shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Roma shall notify the Executive Director within seven days after Roma becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Roma shall be made in writing to the Executive Director. Extensions are not effective until Roma receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Roma if the Executive Director determines that Roma has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Roma in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Roma, or three days after the date on which the Commission mails notice of the Order to Roma, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

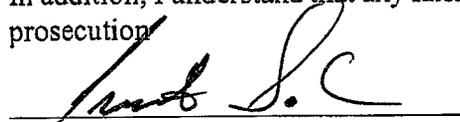
8/17/2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of The City of Roma, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on the City of Roma's compliance history;
- Greater scrutiny of any permit applications submitted by the City of Roma;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against the City of Roma;
- Automatic referral to the Attorney General's Office of any future enforcement actions against The City of Roma; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution



Signature

6-09-09
Date

Crisanto Salinas

Name (Printed or typed)
The City of Roma

City Manager

Title